

THE LAW OFFICE OF
ELISA HYMAN, P.C.

January 18, 2022

MEMO ENDORSED

BY ECF

Hon. Valerie E. Caproni, United States District Judge
U.S. District Court - Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: *L.B. obo T.B. and T.B. v. N.Y. City Dep't of Educ., et al.*
21-cv-6626 (VEC)

Dear Judge Caproni:

I represent the Plaintiffs in the above-referenced action and submit this letter jointly with Defendants requesting that the initial conference scheduled for January 21, 2022 (dkt. no. 26) be adjourned sine die and for the pre-conference submission deadlines to be extended accordingly. This is the parties' first joint request to adjourn the initial conference but the seventh request to adjourn the conference. The prior adjournments were requested by Defendants because they sought and received extensions of time to respond to the Plaintiffs' complaint. The parties are not yet proposing alternative dates in this letter for the reasons set forth below.

On the evening of Friday, January 14, 2022, Defendants filed a Rule 12(b)(6) and 12(b)(1) motion to dismiss some of the claims and school years in the Plaintiffs' complaint. Given the timing of the motion, Plaintiffs' counsel has not yet had time to fully review the motion and speak to her clients about next steps. Based on preliminary discussions with Defendants' counsel, however, it is likely that Plaintiffs will amend their initial complaint in response to Defendants' motion, at which point Defendants may seek to amend their motion and/or some of the issues raised in the motion may be resolved by the amendment.

Based on the above, the parties request that the initial conference scheduled for January 21st be adjourned, and the parties submit a joint letter to the Court on January 25, 2022, setting forth: (i) the parties' proposed schedule for filing the amended complaint and amended motion, (ii) proposed alternative dates for the initial conference; or (iii) proposed next steps if the parties cannot reach agreement about the timing of the initial conference.¹

Thank you for Your Honor's consideration of this request.

¹ Given that Defendants have only filed a partial motion to dismiss, the parties are not yet sure of their respective positions as to whether the initial conference should be held in abeyance until the motion is resolved.

Respectfully,

/s/

Elisa Hyman
Counsel for Plaintiffs

Cc: Sharon Sprayragen
Assistant Corporation Counsel

Application GRANTED in part. The Initial Pre-Trial Conference currently scheduled for Friday, January 21, 2022, at 10:30 a.m. is hereby ADJOURNED until **Friday, January 28, 2022, at 10:00 a.m.** The parties are directed to file a joint letter and proposed case management plan not later than **January 25, 2022**.

SO ORDERED.


1/19/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE